

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TONY MILLER,

Plaintiff,

v.

Case Number 17-11006

Honorable David M. Lawson

Magistrate Judge Stephanie Dawkins Davis

PAUL KLEE, NICKOLAS LESLIE,  
HERB BRIGHTON, STEPHEN  
YOUNG, and OFFICER BRENT,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DENYING DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

This matter is before the Court on the report issued on February 23, 2018 by Magistrate Judge Stephanie Dawkins Davis pursuant to 28 U.S.C. § 636(b), recommending that the Court deny the defendants' motions for summary judgment. The magistrate judge's report explicitly stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report. However, no objections have been filed, and the time for filing them has lapsed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [35] is **ADOPTED**.

It is further **ORDERED** that the defendants' motions for summary judgment [22, 24] are **DENIED**.

It is further **ORDERED** that the referral of the matter to the magistrate judge for general case management [11] is **CONTINUED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: March 15, 2018

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 15, 2018.

s/Susan Pinkowski  
SUSAN PINKOWSKI